

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

BELLAGIO, LLC d/b/a BELLAGIO LAS VEGAS
Employer

and

Case 28-RC-154081

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 501, AFL-CIO
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

KENT Y. HIROZAWA, MEMBER

LAUREN McFERRAN, MEMBER

Dated, Washington, D.C., November 18, 2015.

¹ In denying review, we reject the Employer's contention that the petition must be dismissed due to the Petitioner's failure to fill out section 7 of the petition form. See *Aria*, 363 NLRB No. 24 (2015).

For the reasons stated by the Regional Director, we agree that the petitioned-for employees are not guards within the meaning of Sec. 9(b)(3). In addition, we note that the Board and the courts have long rejected the notion that individuals should be deemed guards because their installation or maintenance of equipment is an integral part of a larger security system that other individuals actually operate. See, e.g., *Wells Fargo Alarm Services v. NLRB*, 533 F.2d 121, 124 (3d Cir. 1976); *American District Telegraph Co.*, 160 NLRB 1130, 1138 (1966). Further, the additional strike duties the Employer contemplates for the petitioned-for employees do not render them guards, because these additional duties do not involve guard functions. See *Boeing Co.*, 328 NLRB 128, 130 (1999).